

Service Date: October 5, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER Of the Petition of Mid-)	UTILITY DIVISION
Rivers Telephone Cooperative, Inc.)	
For a Temporary Waiver of Permanent)	DOCKET NO. D2000.9.163
Number Portability Requirements)	
)	ORDER NO. 6278

**ORDER ON PETITION FOR TEMPORARY
SUSPENSION OF DUTY UNDER 47 U.S.C. § 251(b)(2)**

Background

On September 29, 2000, Mid-Rivers Telephone Cooperative, Inc. (Mid-Rivers) filed a petition for temporary suspension of its duty to provide number portability pursuant to 47 U.S.C. § 251(b)(2). Mid-Rivers filed the petition pursuant to 47 U.S.C. § 251(f)(2), which applies to "local exchange carrier[s] with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide[.]" and which allows the Montana Public Service Commission (Commission) to suspend the requirements of 47 U.S.C. § 251(b) pending final action on the petition.¹

Mid-Rivers states that it is eligible for suspension of local number portability (LNP) requirements pursuant to 47 U.S.C. § 251(f)(2) which applies to carriers serving less than two percent of the nation's subscriber lines installed in the aggregate nationwide. It states that it was informed by Qwest Corporation (Qwest) that Qwest had converted to permanent number portability in the "relevant end office serving areas within which Mid-Rivers has established competitive local service offerings," and consequently cannot accept interim number portability orders absent a waiver of § 251(b)(2) obligations. Mid-Rivers states it is investigating a conversation "to a permanent number portability solution," but such a conversion will likely take

¹ The duty to provide number portability, and the opportunity for certain local exchange carriers to have that duty suspended, are also present in Montana law. 69-3-834(2)(b) and 69-3-834(5), MCA.

four to six months. Mid-Rivers claims that, in order to provide new customers with INP based service between now and the date Mid-Rivers becomes LNP capable, it needs the Commission to suspend Mid-Rivers' duty under 47 U.S.C. § 251(b)(2).

Discussion and Decision

The Commission is empowered by 47 U.S.C. § 251(f)(2)(B) to suspend Mid-Rivers' duty under 47 U.S.C. § 251(b)(2) pending final action on Mid-Rivers' 47 U.S.C. § 251(f)(2) petition. Based on the facts presented in the petition the Commission finds it is in the public interest to suspend Mid-Rivers' 47 U.S.C. § 251(b)(2) obligation pending final action on the petition. It appears that denying a temporary suspension would be contrary to Mid-Rivers' interests and also, more important from the Commission's perspective, contrary to the interests of potential Mid-Rivers customers. The Commission must act on Mid-Rivers' petition by March 28, 2001. Following the issuance of this Order, the Commission will notice the petition and, if necessary, issue a procedural order and schedule a hearing.

Conclusions of Law

1. The Commission has jurisdiction over the Mid-Rivers petition. 47 U.S.C. § 251(f)(2), 69-3-834(5), MCA.
2. The Commission has the authority to suspend Mid-Rivers' duty to provide local number portability pursuant to 47 U.S.C. § 251(b)(2). 47 U.S.C. § 251(f)(2)(B), 69-3-834(5), MCA.

Order

The requirement, pursuant to 47 U.S.C. § 251(b)(2), that Mid-Rivers Telephone Cooperative, Inc. provide number portability in its Montana exchanges, is suspended pending final action on its petition.

DONE AND DATED this 3rd day of October, 2000, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chair

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.